

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JAMES LINLOR,

Plaintiff,

v.

MICHAEL POLSON

Defendant.

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Civil Action No. 1:17-cv-0013 (AJT/JFA)

ORDER

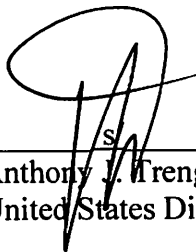
This matter is before the Court on non-party Transportation Security Administration's (TSA) Objections to Magistrate Judge's Order on Motion to Quash [Doc. No. 153] ("the Motion"), pursuant to Federal Rule of Civil Procedure 72(a). The Court held a hearing on the Motion on November 3, 2017 (which the Plaintiff did not attend), following which it took the Motion under advisement. Upon consideration of the Motion, the memorandum in support thereof and in opposition thereto, the arguments of TSA's counsel (who also serves as Defendant's counsel) at the hearing on November 3, 2017, those un-redacted sections of TSA's Standard Operating Procedures Manual ("SOP Manual") pertaining to pat-downs, which was submitted *in camera* at the Court's direction following the hearing, and it appearing that the Plaintiff has substantial need of those sections of the SOP Manual pertaining to pat-downs in the groin area in the preparation of his case and that Plaintiff is unable without undue hardship to obtain the substantial equivalent of the information by other means, and that the Magistrate Judge's Order dated October 19, 2017 is neither clearly erroneous nor contrary to law, it is hereby

ORDERED that TSA's Objections to Magistrate Judge's Order on Motion to Quash [Doc. No. 153] be, and the same hereby are, OVERRULED and the Magistrate Judge's Order [Doc. No. 149] dated October 19, 2017 be, and the same hereby is, AFFIRMED; and it is further

ORDERED that TSA produce to Plaintiff as a covered person under 49 C.F.R. Part 1520.7 those un-redacted portions of the SOP Manual that pertain to pat-downs in the groin area, pursuant to a protective order to be submitted within 14 days to the Magistrate Judge for his consideration and entry; and it is further

ORDERED that TSA conduct whatever background investigation it deems appropriate pursuant to Section 525(d) of the Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109 – 295, § 525(d), 120 Stat. 1355, 1382 (Oct. 4, 2006) and submit for the Magistrate Judge's consideration, together with its proposed protective order, any objections to the production ordered herein based on that background check.

The Clerk is directed to forward copies of this Order to all counsel of record and to the *pro se* Plaintiff.



Anthony J. Frenga
United States District Judge

Alexandria, Virginia
November 16, 2017